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UNION DOCUMENT.

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ADDRESS

Of the Union Members of the Legislature.

To the Electors of the State of New York:

The undersigned members of the Republican Union party in the Legislature of 1863, in pursuance of custom submit to you the following reflections:

When about one year ago you were addressed in this manner, it was not supposed by many who concurred in that address that another year of unended war would pass, but nearly all indulged what seemed the well founded hope, that the arms of the Federal Government would soon triumph everywhere, and that military resistance to the laws and to the Constitution of the Union would have been overcome. But that hope has proved fallacious, and though progress has upon the whole been made in restoring the ascendency of the National authority, an armed and powerful rebellion still exists and the Government is still called to great exertions to prevent that rebellion from reaching a successful revolution. An overruling Providence has so ordered it that immense means put in active exercise have not resulted in the accomplishment of corresponding ends, and the people of this State and of every State are still and again called to abide in their loyalty to the Government and to do and to endure for the maintenance and preservation of the nationality of their choice and of their affections.

We have no doubt but that the heart of people is loyal. We have no doubt but that the heart of the people is fixed, unalterably and unfalteringly fixed, upon the preservation of the Union, upon the maintenance of the Federal Constitution and the enforcement of the Federal laws. We have no doubt but that the firm, unswerving purpose of the people is, that all forcible resistance to the authority of the Government is to be put down by the strong hand, by persistent, unyielding force, at any necessary expenditure of men and means.

THE UNION.

We have no doubt but that the calm reflection of the people has led to this, the only logical conclusion, that unrepressed insurrection is but incipient anarchy, and that to allow the present rebellion to reach success is but to sever the bands of organized society, and to reduce the States and the people of them, to a weltering chaos from which reconstruction can only come by the strong and mastering hand of a military despotism.—Apart from any consideration of a high and noble patriotism, apart from any considerations of an exalted regard and love for abstract right and conscientious adherence to established governments, true public and individual economy, and wise expediency, though found upon a lower plane of motive, imperatively demand that there should be no steps backward in the violent efforts of the loyal people of the North to force back to obedience the disloyal people of the South.—We will not not listen to any suggestion of separation, and united there is no security for the future, save in a submission extorted from admitted weakness confessedly overcome by mastering power. To have hereafter a peaceful Union, calm and self-poised in the ponderous might of its own great power, it must now be seen and felt of all men, that whosoever shall fall upon this rock he shall be dashed in pieces, and that upon whomsoever it shall fall he shall be ground to powder. Let it once be admitted or demonstrated that the Federal Union exists but by the sufferance of any of its component parts, that it has not the inhe-

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rent power to preserve itself from internal convulsion, and any day may see sectional interest demanding by force accordance with its claims, or, that denied, a fraction of the Nation. So, we assert, that a wise expediency, apart from higher considerations, demands that the present contest, shall not close and leave the problem unsolved of the power of self defence in the Federal Government.—If it be true that the Federal Union can protect itself against intestine treason, however long planned, and however powerful and formidable in its outburst, let that fact be so palpably shown and demonstrated as that treason shall never again dare raise its hideous head. If it be the lamentable fact that the Federal Union is competent only for fair skies and smooth seas, let that fact be so conclusively settled as that the American People shall no longer lean upon a broken reed, but may in the plenitude of their experience look about them for some form of government that shall be strong enough to sustain itself—strong enough to repress insurrection within and to repel invasion without.

But we do not apprehend the latter alternative. We believe that the wisdom of the fathers was not tasked in vain. We believe that the American Union was no abortive birth. We believe that the Government which the sages of the past, fresh from the necessities of the revolution, founded, was foundationed deep down below the upheavings of domestic discord, and reared high and strong above the shocks of wicked treason, with inherent powers of self protection and self preservation sufficient for any emergency that has yet arisen or that will arise in the course of time. If the people but love their Government, the Government has a sure foundation in the love of the people. If the people but love their Government with a love fervent enough to endure trial and to suffer privation, the Government is well buttressed in the love of the people. We believe that, diffused through the mass of the people in the loyal States, there exists this love for the Government, fervent, patient, enduring, that will undergo privation rather than that the institutions of the country shall crumble and our nationallity be blotted out.

THE CLAMORS AGAINST THE ADMINISTRATION.

Why then, it may be asked, believing this, why then this iteration? Electors of the State of New York, though the pulse of the people beats aright, there are those among us whose ends are selfish and whose means are unscrupulous, who would sacrifice all public good to private advancement, and postpone ever the salvation of the Nation to the glorification of self. We trust that they are not many; but we know that they are bold and daring, and that in the refluxes of public opinion they seize the opportunity to cast abroad their carping cavils and to sow distrust of the future and doubt of the powers that be. In our position here at the political centre of the State, we have had frequent opportunity to meet them and to hear their sophisms and their jesuitical teachings. With professions of loyalty to the Government they carp at and find fault with the National Administration. Though we admit the logical distinction between the Government and the corps of men who are the exponents of the Government to the people and the world; though we admit that the Administration is one thing and Government is another, that the Government is the people itself, and the Administration is but the set of men which the people has put in the position of exercising the powers of Government, we must still maintain that in times like these blind, and indiscriminate, and virulent censure of the acts of the Administration reaches beyond the individual exponent of Government, and goes far to weaken the faith in the Government itself, encourages open rebellion in its organized efforts, and provokes secret sympathy with rebellion to become open treason.—It must be admitted that, with treason as rampant as that which is now in armed array against the legitimate authority, and with that authority so dependent upon the united and hearty support of all who remain loyal, anything which operates to beget distrust, to distil doubt, to create despondency, to weaken exertion, to loosen united effort, is an aid to rebellion, is a harm to legitimate authority. What shall we say then of those who in these times, when the Government is in its fiery trial, when the men who administer it are plunged in anxieties, and cares, and labors, seize upon every lapse, magnify every mistake, enlarge every omission, and in all manners and upon all occasions use their powers to depreciate the Administration, when the direct consequence of success in their endeavors is to discredit the Government and thus to confuse and dishearten the people? Yet these same men assert that this war must be carried on in a constitutional manner. If carried on in a constitutional manner, by whom then shall it be carried on but by the men who under the Constitution and in the method of the Constitution have been placed in the administration of affairs? And yet the endeavor of these cavillers is to degrade the legitimate administration of affairs in popular estimation which can have no other result than by lessening the confidence of the people in their servants, cause a witholding of the countenance and support of the people to the Government, and so tend to fetter and impede the Government in its endeavors to assert and re-establish its supremacy. For we all

know, from the experience of the last two years, how much the Government, being of the people, is compelled to rely upon the voluntary uncompelled aid of the people.—This aid has come cheerfully, for the mind of the people has run parallel with the efforts of the Government. But once disturb that mind, check that impulse, and throw the Government back in its necessities upon what it can force, and much is done to hamper and frustrate.

We make no specifications of persons or of party as obnoxious to this charge. We know and the people know that such persons exist, and we know and the people know that they find and have congenial party affiliations. And it is for us and for the people to mark and to condemn those who, in times like these, which require the united and like-directed efforts of every citizen, are stopping by the way to cavil at measures, and to denounce policy, while the great end sought for, looming high and grand above all measures, and above any policy, is obscured and forgotten. We shall not forget such men, wherever their present party companionship may be, nor whatever affiliations they make in the future. We trust that the people will not forget them, and that they will not forget to condemn them.

THE POLICY OF THE GOVERNMENT.

The main topic upon which this clamor against the administration has been founded, is that of the policy of the administration. Not content with taking the President at his own word, and believing his object to be the repression of the rebellion and the restoration of all the powers and authority of the Government under the Constitution, these cavillers have chosen to single out certain measures of the Administration and to designate them as the end and then to denounce the policy of the Administration in seeking such an end. They have fanned what sparks of discontent they have found among the people, until from the heat of their exertions they fancied they perceived a flame, and then have gravely announced to the public that there would have been no discontent, that the people would have been united, hopeful and earnest if the Administration had not changed its policy. And it is claimed that this change of policy is this: that instead of seeking the repression of the rebellion and a re-establishment of national authority as a prime and chief end, that has been abandoned and the abolition of slavery is sought as the prime and chief end, and all else is to be subservient to that or in the cant phrase that it "*is sought to abolitionize the war.*" No other warrant is found or professed to be found for this, save the Proclamation of the President, dated the 1st day of January, 1863. This proclamation ought not, by all fair rules of interpretation, to be read save in connection with the other proclamation of the President, dated 22d Sept., 1862, of which it is a continuation, and to which it especially refers. In the proclamation of the 22d of Sept., 1862, the President says: "I do hereby proclaim and declare that *hereafter as heretofore*, the war will be prosecuted *for the object of practically restoring the constitutional relation* between the United States and the people thereof, in which States that relation is or may be suspended or disturbed." On the first day of January, 1863, comes the second proclamation of the President, commencing: "Whereas, on the 22d day of Sept., 1862, a proclamation was issued, * * * * now, therefore, &c.," thus making one dependent upon the other and having one purpose prolonged through both of them. But the proclamation of the 1st Jan. 1863, is justifiable of itself, and by itself, without help from any other paper. Its object is but the object which is prominent in the mind of the President and of every other loyal man in the nation, and that object is the speedy and lasting suppression of the rebellion. That object as we have hereinbefore shown, is only to be attained by war. And all measures which are war measures are legitimate to that end—are justifiable and are constitutional. We are, we believe the President to be, as far removed as any one is, or can be from a desire to prosecute this war through any breach in the Constitution. We desire, we believe the President to desire, as ardently as any one does or can, a restoration of the Union and a preservation of the Government in its integrity, without a power added to it, or a right shorn away: But we are, and we believe the President to be for a vigorous prosecution of this war with all its legitimate concomitants of imprisonment, wounds and death to rebellious citizens, and destruction to their property; and yet, where does one find in the letter of the Constitution any sentence or word that says that the President of the United States may order the restraint of a revolted citizen, or his wounding, or his death, or the seizure of his property? He has to, we all have to, step beyond the written language of the Constitution to have the authority for such acts. Much as we admit the sacred right of revolution, we must also believe and declare the duty of all legitimate government to resist rebellion and to check and crush it before it shall attain the success of accomplished revolution, at all hazards, and with all legitimate means, moral and physical. It is a duty which every government owes to the governed, to maintain itself against the assaults of the disaffected by every means in its power; and the more especially does our Government, which is based upon the consent of the governed, and

which has in its written charter guaranteed to all the States, a republican form of government, feel the weight and pressure of this duty.

THE RIGHT TO PUT DOWN REBELLION.

We have said that the right to put down rebellion and attempted revolution by force of arms, is a right not in terms conferred by the Constitution. If then we are to work outside of the Constitution or rather to the general or inferential powers of the Constitution for the right, we may look there also for the manner of the exercise of that right. And here is the fallacy of the logic of those who impute to the President an unconstitutional method of procedure, and where the corner stone of their argument is displaced. For going abroad from the letter of the Constitution for the right to wage a war to prevent rebellion becoming successful revolution, we acquire the right to wage that war not according to any formula of the Constitution itself but according to the laws of war, for war, abnormal as it is has its laws. And turning to the laws of war as laid down in writers of acknowledged authority on that subject, we find that the laws of war, recognize and classify (among other kinds) the following: wars of revolution, civil wars, private wars, public wars, and mixed wars.

"A war of revolution," says Halleck, "is generally undertaken for the dismemberment of a State, by the separation of one of its parts, or for the overthrow and radical change of the government; while an insurrectionary war is sometimes waged for a very different purpose. Both however have respect to the internal affairs of the State, rather than to its external relations. They are therefore in one sense *civil wars, and are governed by the same general rules* which are applied to that class of wars.

"A *public* war is one carried on under the direction or at least with the sanction of the supreme authority of the State."

"A contest by force between different members of the same society or State, has sometimes been called a *mixed* war. Grotius regards such a war as *public* on the side of the authorities, and private on the part of those who resist such authorities. * * * * But where the contest assumes the character of a *public* war as defined and recognized by the law of nations, it is the general usage for other nations to concede to both parties the right of war so far as regards the law of blockades, of contraband &c. * * * It should also be remarked that in such cases, *belligerent rights may be superadded to those of sovereignty*, that is, the contending parties *may exercise belligerent rights* with regard to each other and to neutral powers, while at the same time, the established government of the State may exercise its right of sovereignty in punishing." And this winter the Supreme Court of the United States has decided that vessels of Southern citizens captured while attempting to run the blockade upon the Southern coasts are lawful prizes to the captors, basing their decision upon the ground that this contest has assumed such proportions, that although in the abstract an effort on the part of the Sovereign Power to put down a rebellion of a portion of its citizens, it is yet to be considered a public war, and that the United States has the rights of a belligerent, one of which is to seize the private property of citizens of the enemy's country when found upon the ocean. Nor is this decision novel or strange, for the same court has in repeated instances so held before.

"Wars of insurrection and revolution are in one sense civil wars. * * * Each party in such cases is usually *entitled to the rights of war as against the other*, and also with respect to neutrals."

So that the position taken by these impugners of the President that the United States Government can only proceed as *a sovereign against riotous citizens* is not tenable. It has superadded to its rights, as a sovereign, rights which the laws of war give to a billigerent.—What are those rights? One belligerent has the right to deprive the other of everything which might add to his strength and enable him to carry on hostilities. And by abstract right, private property is subject to seizure and confiscation, and though this rule has been moderated by modern usages on land, still the abstract right continues, and no one will contend that this is a war in which it should be ignored or abandoned.

THE EMANCIPATION POLICY.

Now turn to the proclamation of the President what does he say is the basis upon which he issues it? "As a fit and necessary *war measure*, for suppressing said rebellion." It is as a war measure, it is in the character of a belligerent, with the rights of a belligerent added to those of a sovereign that the President as the Executive of our Government, as the Commander-in-Chief of the Army and Navy, has issued his Proclamation. But it is asked can you change the title to property by the mere promulgation of a decree or proclamation? Perhaps not. But think first of the property upon which this proclamation is designed to operate. It is the slaves held at the South. You may consider them in two relations, as men or as chattels. As men, as inhabitants of a hostile country, with which this government is waging war, it has a right to entice them away by proclamation or whatsoever other device. "It sometimes happens in war," says Halleck, "that intestine divisions prevail among the enemy's forces, and that one party may favor the objects for which we are contending. In such cases we

may without scruple hold correspondence with the one faction and avail ourselves of its assistance to overthrow the other party."—As chattels, the slaves are to be considered, with the peculiarities which distinguish them from other chattels.

They have life and volition, and the susceptibility of being influenced by the presentation of motives, and the power of self-locomotion, and the power, by the exercise of reason, to make choice, as for instance in a change of habitation upon the presentation of these motives. In this they differ from most if not all other chattels. If it is conceded, or if we have shown it to be true, that the property of citizens in rebellious States may be taken by the laws of war, the United States Government might take their cotton and any other article of property as soon and as often as it could by the advance of its armies reach this cotton. Nor could the Government take cotton or any unreasoning chattel in any other way, for being inanimate or unreasoning it must be taken and transferred by manual capture and physical force. But suppose a bale of cotton could be vitalized and rendered self-locomotive, and capable of yielding to the influence of motives presented, and of running away and deserting the owner of it, would it not be as legitimate a way of obtaining this cotton and despoiling the owner of it, by a paper proclamation, as by the march of a large army into the country to seize and transfer it? Certainly it would. And here we have, all through the country of our rebellious enemies, a species of property which has life and sense, and the power of choice from motives presented, and of self-locomotion to seek the gratification of that choice. Is it not then just as legitimate to send a paper missile into the country of the enemy and take from them their property by means of it as it would be to march an army through the land—freeing as it went? If the property, being of that peculiar kind that its own inclination may be addressed by a printed sheet, and it thus sent, to leaving the enemy and coming to us, it will be hard to prove that the United States Government may not gain possession of it as well by a proclamation as by a charge of infantry. And if after the Government has possessed itself of a bale of cotton of a Southern citizen it may destroy it, or turn it into money, may it not, when it has possessed itself of a slave of a Southern citizen, destroy it or turn it into something else? It may. It may turn the slave into a freeman. It thus destroys the slave, the property it took; and this, as we understand it, is what the President proposes to do by his proclamation. This and no more.

THE ISSUE.

Of the other measures employed by the Government in the prosecution of this war it is unnecessary that we should comment at length. The Government is not required to adopt any particular line of policy nor stake the issue of the conflict upon the success or failure of any enactment or measure. Only let it evince a purpose to wage war upon war principles—to strike vigorously at the heart of the conspiracy—to harrass and weaken the enemy by all the means which it can employ known to civilized warfare—and upon no account to consent to terms of compromise or armistice until the traitors shall unconditionally submit to the lawful authority of the Government, and the loyalty and patriotism of the country will be content. Above all let our rulers keep steadily in view the great and overshadowing fact that a great question of government is involved and our national existence is in jeopardy—that all questions of mere philanthropy, local attachment and party feality, must be subordinated to the one great duty of maintaining for ever, undivided and indivisible, the power, the unity and the integrity of the Republic.

The rebellion is not the effect of parties nor of the teachings of the schools, nor the instructions of the pulpit, but is the outgrowth of a public sentiment and social a system in the Southern States which demanded a cardinal change in the essential principles of our government, and that it should conform more nearly to the aristocratic and monarchical governments of Europe. That this public sentiment was the natural and necessary product of the system of African Slavery, which is in its very nature dangerous and hostile to free institutions cannot be denied. The issue thus made by the traitors and forced upon us is, shall the Government that our fathers founded and the free institutions which have been our boast from childhood be overthrown and our best hope go down in darkness, or shall that Government and those institutions be maintained in their early purity and vigor and be transmitted to those who shall follow in our tootsteps and bear our names? As men and as freemen we must meet this issue and face this responsibility. So mighty a stake has never been played for by the despots and tyrants of the world, involving as it does not the title to a crown or the fate of the Royal blood, but the great life-giving principles of human liberty—the fondest hopes the most cherished aspiration of our race.

Dark shall be the day and bitter the wail that shall herald the triumph of this rebellion, which shall roll back the civilization of the age and shroud in gloom the fairest and freest portion of the earth, which shall blast the

hopes of the down trodden millions in every land, and leave us to drain to the dregs the bitter cup of national humiliation and disgrace—to hang our heads in shame at the mention of our birth place and our name, and earn for us the melancholy reflection that we have lost, by our cowardice and faithlessness, what our heroic fathers gained through suffering and blood. Better that death should enter every household—that war and famine should devastate the land, and that a curse should light upon the limbs of men—than that this proud nation should sully its high renown and humble itself in shame. What is worth your riches when national honor is no more? Of what avail is power or station when government shall have been disgraced? No, fellow-citizens, there can be no termination of this conflict which shall not concede the triumph of the republic. However fondly we may wish for the better day, when the clangor of war shall be heard no more, and the loved ones may return to their anxious homes, we should still remember that the price of this return must never be the loss of liberty or the sacrifice of honor. What then, in view of these terrible realities is the duty of our free countrymen in this day of national peril. There can be but one answer to this interrogation. Unconditional loyalty to the Government upon which now centres all our hopes, and a patriotic and unselfish devotion to the great cause which demands all our efforts. Our lives, our fortunes and our sacred honor should now be laid upon the altar of that country which has given us all we have, and is to us all that we hope to be. Let no factious rivalries—no party bickerings—no cowardly misgivings stand between us and the preservation of our beloved country.

Whatever else may be said by the historian who shall make the record of this rebellion, let it not be said that the republic died through the treachery or imbecility of its children. Let us not present to the world the disgraceful spectacle of a free and mighty people—descendants of a heroic ancestry with every incentive to unselfish devotion to our country's cause now wanting in patriotism and failing in comprehension of the mighty issues of the hour. Blind to the philosophy of this mighty struggle and unmindful of the workings of that great law of nature which, through convulsion, bloodshed and human suffering, is developing light and liberty and a more humane and widespread civililization. Let us not hesitate to strike this treason, lest human manacles should be loosened nor while "liberty is being crucified, be casting lots for its garments."—

HOPE FOR THE FUTURE.

In the contemplation of the present, we have ything to encourage us to an unflinching and vigorous prosecution of this contest. On every side we behold increased evidences of the patriotism and devotion of our people, and a fixed resolve that this war can only be terminated by a restoration of the national unity and authority. It is no longer the sudden outburst of a brilliant but fickle enthusiasm, but is the settled and unalterable determination of a great people who have calmly calculated the sacrifices and weighed the consequences that must follow from this resolution. With resources still unlimited—with men and ammunitions of war to any extent called for by the general government, and with a patriotism unabated and undaunted, we exhibit to the world the grandest exhibition of the strength and power of a free nation, that has ever been witnessed. Look on the other hand upon the waning proportions and dying struggles of the rebellion. Shut up and hemmed in on every side by bristling bayonets and federal cannon, overmatched at every point and vainly seeking to maintain for a few brief months longer, its usurped authority and ill-gained power; condemned, and under the face of the enlightened public sentiment of the civilized world—weighed down by debt and taxation—shut out from all hope of aid from foreign nations—and with famine, insurrection and speedy dissolution staring them in the face, they are fast being taught to feel the just retribution for the most atrocious crime against their government that the world has ever known.

We cannot close this somewhat extended address without tendering to the Army and Navy of the Union our warmest thanks and sincerest congratulations. They have justly earned the undying gratitude of our whole people and the admiration of true patriots all over the world. For the dead are grateful memories and glorious names, which shall ever live and grow brighter as time rolls on. For the living there are in store new honors as the just rewards of the privations and sacrifices they have endured. To recruit and fill up their thinned ranks, we earnestly second their demand for a faithful enforcement of the laws of Congress designed for that end, and we pledge ourselves that no efforts shall be spared upon our part to provide for their safety and insure their triumph.

We have, with a due sense of our obligations to these brave men, endeavored to extend the privileges of the Elective Franchise from which they are practically excluded. We have passed through both branches of the Legislature a carefully drawn and well guarded law, which would have secured to the soldier at once that most sacred of all rights that a freeman can possess. The Executive Veto has, however, thwarted these efforts and rendered our la-

bors unavailing. But the brave men who have perilled their all to save the country and uphold the Constitution must await a further appeal to the Sovereign People to do them the justice which has been denied them now. With our kindest wishes for their comfort and welfare, and our most earnest prayer that the Great Ruler of the Universe will spare their lives and return to us in success and safety our sires, our brothers and our sons, we bid them God speed in the glorious cause, and we pledge to them the unfaltering support, the continued love and gratitude of all true men.

JESSE C. SMITH,	C. A. BENJAMIN,
H. D ROBERTSON,	LEVI MILLER,
HENRY E. LOW,	WILLIAM DEWEY,
WILLIAM H. TOBEY,	JOHN CHICKERING,
RALPH RICHARDS,	HAMILTON E. SMITH,
JOSEPH H. RAMSEY,	SAMUEL SKINNER,
WILLIAM CLARK,	WILLIAM H. BRAND,
RUSSELL M. LITTLE,	GEORGE L. ROUSE,
C. C. MONTGOMERY,	GEO. E. McGONEGAL,
JAMES A. BELL,	WILLIAM BROWN,
ALEXANDER H. BAILEY	WILLIAM MORGAN,
GEORGE A. HARDIN,	DANIEL M. PRESCOTT,
RICHD K. SANFORD,	ISAAC McDOUGALL,
ALLEN MUNROE,	JAMES M. MUNRO,
HENRY A. CLARK,	JOSEPH BREED,
LYMAN TRUMAN,	PEREZ H. FIELD,
C. M. ABBOTT,	LANSON DEWEY,
CHARLES J FOLGER,	JOHN PARKS,
CHARLES COOK,	ABNER C. MATTOON,
LYSANDER FARRAR,	HIRAM W. LOOMIS,
A. HUTCHINSON,	HARVEY PALMER,
WILKES ANGEL,	C. A. CHURCH,
HORACE C. YOUNG,	J. A. QUACKENBUSH,
A. E. CRUTTENDEN,	E. P. TOWNSLEY,
E. D. LOVERIDGE,	JAMES REDINGTON,
FRANCIS B. SMITH,	A. X. PARKER,
ANDREW L. ALLEN,	N. M. HOUGHTON,
GEORGE I. POST,	SAMUEL LAWRENCE,
WM. P. ROBINSON,	JOHN W. TAGART,
JOHN STEWARD,	HENRY SHERWOOD,
HENRY C. LAKE,	NATHANIEL W. DAVIS,
ELIZUR H PRINDLE,	HORACE BEMIS,
FRANCIS B. FISHER,	BENJ. F. WIGGINS,
E. W. BOSTWICK,	EZRA CORNELL,
H. B. VAN HOESEN,	JACOB LE FEVER,
ROBT. W. COURTNEY,	ASA C. TEFFT,
ANSON G. CONGER,	ERVIN HOPKINS, JR.,
PALMER E. HAVENS,	T. W. COLLINS,
ALBURT ANDRUS,	LEMUEL BURFEE,
WILLARD J. HEACOCK,	NEWTON ALDRICH,
LOREN GREEN,	CHAUNCEY M. DEPEW,
GRIFFIN SWEET,	GUY SHAW,
A. C. McGOWAN,	BYRON HEALY.

THE SOLDIERS' VOTING BILL.

In Senate.

APRIL 21, 1863.

REPORT OF THE MAJORITY OF THE COMMITTEE ON PRIVILEGES AND ELECTIONS, ON THE MESSAGE OF THE GOVERNOR, RELATIVE TO ALLOWING SOLDIERS TO VOTE.

The committee on privileges and elections, to which was referred the paper addressed and transmitted to the Senate by his Excellency the Governor, on the 13th instant, purporting to be a message from that dignitary, have the honor to

REPORT:

That they have attentively considered the document referred to, and are constrained to regard its contents as most strange and indefensible, and its transmission to this body, under the circumstances, as a breach of the privileges of the Senate. Although the propriety of so amending the election laws of this State as to enable electors absent from their homes, imperriling their lives in vindicating the supremacy of their country's Constitution from the assaults of conspiracy and rebellion was fully discussed during the late gubernatorial canvass, and it was even proposed in some quarters, to take such vote informally, to enable those brave men to express their opinions upon the issues of the day; although other States had changed their laws relating to suffrage, some of them by special called sessions for that purpose, so as to enable this class of electors to participate with their fellow citizens at home in the election of those entrusted with the management of public affairs; and although his Excellency, in his annual message, found ample range for discussing national affairs, at unusual length and with great freedom, and for reviewing and severely criticising the acts of the Federal administration in the prosecution of the war in all its aspects, he was entirely oblivious to the rights of suffrage for the soldier and the sailor, and remained so, until the action of the Senate upon the subject, as heremafter mentioned; though he has more than once during the session communicated with the Legislature by special message. Since such legislation, and the passage of a bill by the Senate securing such right of suffrage, it seems to have occurred to his Excellency that the subject was one of "great interest to the people of this State, and had justly excited their attention;" and also that "those who so nobly endure fatigue, and suffering, and peril life, in the hope that by such sacrifices our national Union may be preserved, and our Constitution upheld," deserve some consideration: and he expresses the desire that "they should if possible, be secured an opportunity for the free and intelligent exercise of all their political rights and privileges;" but his Excellency fails to inform the Senate whether he unites in the laudable hope which he says is indulged by the worthy subjects of his notice. He, however, gravely objects to the amendment of the laws permitting this class of electors to vote when absent, because their suffrages, like those of any other electors, "may decide the election in favor of *one party or the other*"—certainly not in favor of both. In the absence of any recommendation from the Governor upon the subject of securing the right of suffrage to this most meritorious class of electors, in obedience to the popular demand, and in harmony with the commonest dictates of justice, a bill was introduced into the Senate upon notice on the 6th of February last, and after passing through all the ordinary forms of legislation, and receiving elaborate discussion, it passed on the 2d day of April, by a vote of nineteen to seven, and

was transmitted to the Assembly for concurrence, where, it it is understood, it has received consideration, and is still pending before that body.

The 4th article of the Constitution, section 4, provides that the Governor "shall communicate by message to the Legislature, at every session, the condition of the State, and recommend such matters to them as he shall judge expedient."

Section 9, of the same article, provides that "every bill which shall have passed the Senate and Assembly, shall be presented to the Governor for his signature; if he approve, he shall sign it; but if not, he shall return it with is objections to that House in which it originated," &c.

These, and these only, are the occasions upon which the Governor is authorized to communicate with the Legislature. He has no right to address the Senate legislatively, as a separate body and co-ordinate branch of the Legislature at any time, except upon the return of a bill with his objections; and yet this communication is so addressed; but whether by inadvertence, or to give point to the Executive fiat, it is perhaps not material to inquire.

While the Governor may at all times recommend to the Legislature such matters as he shall judge expedient, any attempt to review pending bills, either openly, or, as in this case, under the shallow disguise of an Executive recommendation, or to obtrude his opinions, however replete with profundity or abounding with wisdom, upon the Legislature or upon either branch, is both officious and impertinent—as deficient in taste as it is reprehensible in principle and mischievous in practice. Its resort betokens the necessitous and straightened politician, rather than the statesman, and deserves at all times rebuke and reprehension, and especially in times like these. This paper, transmitted as a message to the Senate, after more than three months of the session has elapsed, and within two days of the expiration of the one hundred, ordinarily allotted to legislation, in a brief sentence, recommends that steps be taken to amend the Constitution, instead of to change the law as proposed by the bill under consideration, and so far as relates to this recommendation, far-fetched and untimely as it seems, in the closing days of an extended session, it is within his constitutional prerogative, and is as all other authorized emanations from the Executive Chamber are and should be, entitled to the respect which one branch or department of the government owes to another; or rather, it would have been within the scope of Executive privilege and duty, had not the constitutional amendment at the time of his communication been depending in the Assembly. As it was, two measures, looking to the same end, were before the Legislature, and in palpable violation of right of privilege, he is pleased to interfere directly with legislation, by urging the passage of one, and declaring he will veto the other.

But again, the sincerity of those who so persistently urge an amendment of the Constitution, under the pretence that it will enable the soldiers and sailors engaged in the present war to vote abroad, can be tested by a plain statement of the time which must be consumed before the voting, according to the ordinary course, can be thus authorized, and by a description of the machinery which must be perfected. The proposod constitutional amendments must pass the present Legislature; they must then be submitted to the next Legislature, in 1864, and pass that body by a vote of two-thirds of all the members elected; they must then be submitted to the people at November election of 1864, and if they are approved by the popular vote, they will be incorporated in, and stand as a provision of the Constitution. If the proposed amendments shall successfully have run this legislative gauntlet, then and afterwards, laws may be passed by the Legislature of 1865, prescribing the details and manner of taking the votes; and if this is done by such legislation, those in the service of their country abroad will be entitled to vote at the general election in November, 1865!—one year after the next Presidential canvass, and, as all loyal men hope and believe, long after the rebellion has been crushed, and our brave sons who have not fallen, have returnrd to their homes, and been welcomed by the plaudits of a grateful country. And all these bright anticipations will have been realized before the autumn of 1865, unless the nefarious mission of rebellion is protracted by those who give it aid and encouragement and hope by covert, half-concealed warfare upon the General Government and its administration, like the assassin who strikes the blow, but attempts to conceal the hand.

But it must be obvious to the most casual observation, from the language employed, that the brief sentence devoted to this recommendation was among the least of the purposes for which the communication was made, and that its chief object was to dictate to and instruct the Legislature in a matter pertaining to its own peculiar duties, as well as to reach the popular mind in a censure of the Federal administration, by ambidextrious discussion in a special message, of national affairs, over which neither the Executive nor the Legislature have jurisdiction or control, and which are foreign to the official duties and obligations of both.

It seeks to quicken the Executive scheme, by suspending the veto in startling terrorem

before the Legislature, in advance, and by declaring that his own mind is decided upon the subject, and will govern his action officially; and this admonition is bestowed, too, touching a bill of which he has no official knowledge, with which he has even no concern or business, and will not have hereafter, unless it is passed and sent for his approval, when it will be his duty to examine it impartially and not dispose of it upon preconceived opinions; a bill which may or may not pass, or if it does, may be with or without amendments, changing its character essentially. The Constitution contemplates that the Governor will examine bills when presented for his approval, *after their passage* by both branches, calmly and dispassionately, and not before; and any attempt by the Executive to pass upon their merits, either in gross or in detail; upon the principle that they propose to establish, or the language by which they seek to attain it, while yet under consideration by the Legislature, and to herald either his approval or disapproval in advance, is grossly unwarrantable and much worse than gratuitous. It tends to break down the constitutional barriers which have wisely sought to render the co-ordinate branches of the government independent of each other in their action, and to bring jealousy and conflict where there should be confidence and harmonious action.

The office of Governor is one of conceded dignity, but that does not constitute the incumbent the tutor nor the school master of the Senate, nor authorize him to read lecturers upon political ethics or constitutional law, nor to review or question its action, past, present or proposed, except as especially provided by the Constitution. So far as the Governor knew anything concerning the bill extending the right of suffrage, it was unofficial; but he must have known that the Senate had, upon elaborate discussion and careful consideration, passed it, and he *should have known* that while, if the bill should pass both branches and be sent for his approval, his objections would be entitled to respect; that before its final passage, *any* opinions formally and officially communicated or obtruded, would be an insult to the dignity of the body, and meriting its severest censure. The Senate having pronounced its opinion upon both the constitutionality and expediency of this bill, in the most solemn form, the committee, as the organ of the Senate, cannot consent to discuss either branch of the question with any one; even the Executive chief, until it shall be returned with objections, as provided by the Constitution; and they, therefore, in their report, waive all consideration of these questions. They regard the action of the Governor as a direct breach of privilege, as as much so as though he had criticised the bill by its title and number, and bestowed his censure openly instead of by indirection. Breaches of privilege are not tolerated even in monarchies. "It is highly expedient," says Hatsell, "for the due preservation of the privileges of the seperate branches of the Legislature, that neither should encroach on the other, or interfere in any matter depending before them, so as to preclude or even influence that freedom of debate which is essential to a free council. They are, therefore, not to take notice of any bills or other matters depending, or votes that have been given, or of speeches that have been held, by the members of either of the other branches of the Legislature, until the same have been communicated to them in the usual parliamentary manner.

"Thus the King's taking notice of the bill for suppressing soldiers, depending before the House—his proposing a provisional clause for a bill before it was presented to him by the two Houses, his expressing displeasure against some person for matters moved in Parliament during the debate and preparation of a bill, were breaches of privileges." (Manual of 1863, page 99.) Indeed, so scrupulously regardful was the present Executive of this salutary principle in the early part of the session, that, although it had no application whatever, he invoked it as a reason for declining to interfere as Chief Magistrate, in commanding and enforcing the peace, when the House of Assembly was for weeks prevented from organizing by a ferocious mob and threats of assassination, and declared that "There is an obvious impropriety in ony interference by one department of the government with the proceedings of any co-ordinate branch," &c.

But, objectionable as is the communication touching our domestic concerns, the committee would leave a high duty undischarged if they failed to declare that in their judgment it deserves the severest reprehension for attempting, through a special and extraordinary message from the Governor to the Senate, to drag into discussion elements of strife, from which a partizan press and mere party politicians derive their aliment, and of which they should be permitted a monopoly. It has seemed enough to the committee that our beloved Union is threatened with destruction by rebellious States and people—that our braves are sacrificed by tens of thousands upon their country's altar, in defence of the Constitution—that foreign powers are plotting the overthrow of free government—are furnishing rebellion moral and material aid and comfort—are constructing and manning and arming pirate ships to cruise against our commerce upon the high seas, and in the degraded spirit of cowardice and menacing

us in our diplomatic relations, because they see us engaged in conquering rebellion, and hope we have not the power to chastise their insolence or repel their aggressions:—that political demagogues in our midst are conniving with the representatives of Great Britain, bloated with envious rivalry and hereditary hate, and stimulated by recent hopes, for the stealthy intervention of unfriendly foreign powers, to the end that rebellion may triumph and the land that our fathers loved be despoiled forever.

But when the Chief Magistrate of the first State of the Union, under the cover of a brief and simple recommendation to the Legislature of a single measure, strictly local and domestic in its character, is so surcharged with a desire to assail the administration of national affairs, that he must violate all the proprieties of station and place and occasion to so do, the heart sickens over the contemplation. It tells of smouldering sentiments which, though disguised beneath a plausible exterior, are by no means concealed, and it admonishes, too, that they bode no good to the Republic.—Our distracted country may crush armed rebellion and repel foreign aggression by her own inherent forces, but no government has ever yet withstood the silent gnawings of the canker at its heart strings, by those who repose on its bosom and bask in its sunshine. The hope of rebellion, black with crime, haggard with starvation and shivering with destitution, struggles on in its career of conspiracy and murder, awaiting the day when those who openly assail the government and fail to conceal their sympathy with the rebellion, shall, by the aid of foreign intervention, come to its relief and assistance, and help it to achieve its triumph in a divided Union, and the loyal mind should govern itself accordingly. The annals of history, sacred or profane, fail to furnish examples of patriotism and love of country so commanding as our own. Our sons and brothers left their homes and families, the children who looked to them for sustenance and protection, that they might protect the cherished home of free government which offers shelter to the whole family of man, alike to all the children of a common Father.

They bade adieu to those they loved, that they might rescue from the despoiler the land of their heart's best affections, and discharge the trust committed by their fathers to preserve it for posterity;—they are dying amidst the malaria of swamps and the slaughter of the battle-field with more than Roman firmness, and without a murmur; but their hearts bleed and sicken and die, as they turn their pale, tearless faces backward, with the painful and humiliating reflection, that the murderers against whom they are doing battle, are nerved to their bloody work by words of encouragement, drawn from within the shadows of their own consecrated homes.

The rebellion will seek the prostration of our government, the division of our Union, and the subversion of the Constitution, and prosecute its work of death and devastation so long as it can draw aliment and hope from the virus of political conflicts in the loyal States; and when, if ever, the querulous tones of party are silenced, and it is left to self-communion, and forced by self-examination to calculate its own resources, and to repose upon them alone, it will soon gasp out its ignoble existence, and be remembered no more, except for the atrocities it has perpetrated upon civilization.

In the belief that the communication from his Excellency, under consideration, was extra-official and unauthorized—that its tendency is to stimulate and encourage this lawless rebellion, by exhibiting a divided sentiment at home, and a censorious spirit against the national administration by the Governor of this State, to foster partizan organizations and promote political conflicts, to dishearten those who are engaged in the service of our common country, and to sow the seeds of disunion and demoralization, where a renewed love of country, and a more exalted patriotism should alone be cultivated—to arrest, as far as possible, the mischievous influences so insidiously infused, to vindicate the independence and dignity of the Senate, and to rebuke the attempt to influence its action and unwarrantably review its proceedings and deliberations, the committee recommend the passage of the following resolutions:

Resolved, That the paper without date, addressed and transmitted to the Senate on the 13th instant, by his Excellency the Governor, purporting to be a message to the Senate from him, was extra-official and authorized, and that its transmission was a breach of the privileges of the Senate; and, to the end that the independence and dignity of the Senate be vindicated, and the breach of privilege be suitably rebuked, and may not serve as a precedent, be it further

Resolved, That said communication be laid upon the table, without action thereon or further notice.

All of which is respectfully submitted.

CHARLES COOK.
GEORGE A. HARDIN.

ATTORNEY GENERAL DICKINSON ON THE SOLDIER'S PROXY VOTE BILL.

In answer to a Resolution of Inquiry of the Senate, the following lucid opinion was received by that body, Wednesday April 20th, from the Attorney General, relative to the bill allowing Soldiers of this State, in the service of the United States, to vote by proxy:

I am advised informally, that an early answer is required, and being pressed with other official engagements, I have not the time for such examination as the gravity of the subject merits, and must give the results of such partial consideration as I have been enabled to bestow upon it.

It is provided by Article 1, Subdivision 1, that "no member of this State shall be disfranchised, or deprived of any of the rights or privileges secured to any citizen thereof, unless by the law of the land, and the judgment of his peers."

Article 11, section 1, provides "that every male citizen of the age of twenty-one, who shall have been a citizen for ten days, and an inhabitant of the State one year next preceding an election, and for the last four months a resident of the county where he may offer his vote, shall be entitled to vote at such election, in the election district of which he shall at the time be a resident, and not elsewhere, for all officers that now are or hereafter may be elected by the people; but such citizen shall have been for thirty days next preceding the election, a resident of the district from which the officer is to be chosen for whom he offers his vote."

Section 3, of the same article, provides, that "for the purpose of voting no person shall be deemed to have gained or lost a residence, by reason of his presence or absence, while employed in the service of the United States," &c.

These are all the provisions relative to the matter, and I am not aware that they or similar ones have ever received judicial consideration or construction. The question is, therefore, an open one, and must be decided by best lights which can be drawn from the letter and spirit of the Constitution. We have seen that neither the soldier nor the sailor loses his residence by absence in the service of the United States, and this leaves but a single question, and that is whether the actual presence of the elector is required by the Constitution, or whether the Legislature may authorize the deposit of his vote while he yet continues in service abroad.

That the proposed method may be inconvenient, cumbrous and liable to fraud and abuse, is no answer to its validity, for unless it is prohibited by the Constitution, it may be authorized by law. The elector "must offer his vote," but must he necessarily do so in person and with his own hand, or may the Legislature authorize him to offer it in other modes? He clearly need not offer it with his own hand, for the sick and infirm and paralized may vote, and so may the soldier or sailor who has lost both hands and arms in the service of his country; and unless the Constitution requires his presence at the polls the Constitution may dispense with it. The elector is abroad, but he is still regarded by the Constitution as a resident of his election district and entitled to vote there and not elsewhere. If he continues to serve his country, he must either be disfranchised, at a time and under circumstances when all the privileges of citizenship and especially those of an elector are more inestimable than ever, unless the laws and Constitution he is defending, secure to him his birth-right.

There is nothing in the Constitution indicating the manner of voting unless by implication, and there is certainly nothing in it either expressed or implied which prohibits the legislature from prescribing such forms for depositing the votes of election as in its wisdom it may deem best. I therefore held that Senate bill No. 300 entitled "An act to secure the Elective Franchise to the qualified voters of the Army and Navy of the State of New York," is not in conflict with the Constitution, an consequently that no amendment of that instrument is necessary to secure the Elective Franchise to such voters while absent from the State in the service of the United States.

All of which is respectfully submitted.

D. S. Dickinson, Attorney General.

THE SOLDIERS SUFFRAGE BILL.

Passed the Senate, April 1. 1863.
Passed the Assembly, April 22, 1863.
Vetoed by the Governor, April 24, 1863.

AN ACT to secure the Elective Franchise to the qualified voters of the army and navy of the State of New York.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. In time of war, insurrection or rebellion, every qualified and duly registered voter of the State of New York, in the military or naval service of this State or the United States, who shall, on the day of election be without the State of New York, the said voter being in actual service and not having deserted nor having been dismissed the service, shall be entitled to vote at every general election hereafter to be held, in the election district where he shall have a residence at the time of such election, and the said voter shall have the right to cast his

ballot and vote, unless it shall appear that such person is then dead, in the following manner:

§ 2. He shall, by an instrument or certificate in writing, made and executed between the fifteenth day of September and first day of November in each year, authorize and empower any elector, who shall be a voter in the election district where such qualified voter in the army or navy, aforesaid, shall have a residence, to cast for him his vote or ballot, in the same manner as other votes are cast, for all officers for which he would have a right to vote if he were in person present at such election; and the said certificate or instrument in writing, shall be signed by the voter, in the service, as aforesaid, and attested by a subscribing witness, and shall be acknowledged or proved in the same manner as deeds of conveyance are required to be proved; such acknowledment or proof may be made before any acting major, lieutenant colonel or colonel of the regiment, or capitan or commandant of any vessel to which the said person or voter may belong or be attached; all of which officers are hereby authorized and empowered to administer the affidavits and take the acknowledgment or proof required by this act, and the said person or voter in the service of this State or the United States, shall make and subscribe the following affidavit and attach the same (if made upon a separate peice of paper) to the certificate or instrument in writing, before mentioned to wit:

"I, A. B., do solemnly swear that I have been a citizen of the United States for ten days, am now at the age of twenty-one years, that I have been or shall be an inhabitant of the State of New York for one year next preceding the election to be held the day of '186, and for the last four months a resident of the country of ; that I have been or shall be, for thirty days next preceding the said election, a resident of Assembly district number 'in the town of 'in said county, (or if senate or congressional district, or district, ward, town, village or city, from which the officer to be chosen, for whom said person offers to vote, describe the same.) that I am now, and until said election intend to be, a resident of the town of '(or ward, as the case may be,) and of election district number 'in said of '(or in ward 'in the city of ,) and that I have not made any bet or wager, and am not, directly or indirectly, interested in any bet or wager depending upon the result of said election, and that I have not voted nor empowered any other person than B. C., in the annexed or foregoing certificate named, to deliver any ballot for me at said election, and I do further swear that I am in the actual military or naval service of the state of New York, (or of the United States) that I am not a deserter nor have I been dismissed said service, and that I am now a member of company ' regiment, (describing the organization to which he belongs) now at or near 'in the state (or territory) of ."

§3. The said voter, in the service as aforesaid, shall prepare and fold the ballot or ballots he may cast at such election, and with the certificate or authority, authenticated as aforesaid, shall convey or transmit the same, by mail or otherwise, to the elector hereby empowered to deliver the said ballot to the inspectors of election in said election district.

§4. Such elector shall deliver the ballot so received, to the inspector of election, on the day of such election, and between the opening and closing of the polls thereof, and the inspector shall deposit the same in the ballot box in the same manner as other ballots are delivered and deposited, and the same shall be canvassed in the same manner and have the same effect as other votes cast at such election.

§ 5. The said elector and freeholder, empowered as aforesaid, shall, at the time of the delivery of the ballot to the inspectors, make and describe the following affidavit: "I, C. D., do solemnly swear that I am an elector in election district number 'town of 'county of ' and State of New York, that the ballot (or ballots) hereby presented and offered by me as the vote of is (or are) the identical ballot (or ballots) received by me from the said ; that I have not exchanged, altered nor effaced the same in any manner, nor have the same been exchanged, altered or effaced to my knowledge or belief."

§ 6. Such affidavit shall be attached to the aforesaid instrument or certificate in writing, and shall be delivered to the inspectors of election, by whom the same shall be kept and filed in the same manner and place as the poll lists of said election are required by law to be kept and filed.

§ 7. Any inspector of election who shall refuse to deposit such vote in the ballot box, or to count and canvass the same, and the elector and freeholder empowered to offer the ballot as aforesaid, who shall wilfully refuse or neglect so to do, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine of not more than five hundred dollars, or by imprisonment in the county jail not exceeding one year, or by both such fine and imprisonment, in the discretion of the court.

§ 8. Every person attempting to vote or to deposit said vote, or to discharge any duty

enjoined by this act, who shall swear falsely or make and subscribe a false oath or affidavit, shall be deemed guilty of willful and corrupt perjury, and, upon conviction thereof, shall be punished by imprisonment in the state prison for not less than two years, and shall forever be disqualified from holding any office of profit or trust thereafter; and any person who shall make a false certificate or instrument in writing, provided for by section second of this act, or who shall make, take or sign a false or fictitious affidavit to be annexed to the same, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished by imprisonment in the county jail for not less than six months.

§ 9. It shall be the duty of the secretary of state to prepare and to have printed the necessary blanks and forms to carry out the provisions of this act, and to furnish the same for the use of the persons so engaged in the military or naval service as aforesaid.

§ 10. The said voters, in the service as aforesaid, shall be registered in the same manner as other voters.

§ 11. This act shall take effect immediately.

The New York Democratic Legislative Address—An Impudent Imposture.

[From the N. Y. Herald, Ind. Dem.]

We publish this morning, for the information of our readers, the address of the Democratic members of our late Legislature to their constituents. It is a remarkable document. We pronounce it an insolent appeal for public favor upon false pretences. We denounce it as the most impudent and arrogant production of unscrupulous old party hacks and spoilsmen that has ever emanated from that fruitful source of corruption, their headquarters at Albany. We consider it our duty to meet this brazenfaced imposture upon the threshold, and to hold it up, by the light of truth, to the public contempt and condemnation.

We first arraign this Democratic address as a base perversion of that prevailing loyal public sentiment of the State through which these Democratic signers were elected to the Legislature. They would have us believe, from the whole tenor of this address, that the paramount issue of the day is not between the general government and the rebellion, but between the Democrats and the Republicans of New York; that the great struggle in which we are involved is not for the life of the nation, but for the spoils; and that the restoration of the spoils to the Democratic party is more important than the prosecution of the war. But what are the plain facts of history regarding the Democratic party? Utterly corrupted and demoralized by the spoils, it was broken up, dissolved and scattered to the four winds of heaven at the Charleston and Baltimore Conventions of 1860. The previously controlling elements of the party uniting in a grand conspiracy, lighted the fires of the Southern rebellion, while the Union elements of the old concern in the loyal States, uniting with the party of President Lincoln's administration, left hardly the shadow of an opposition party in the North.

Nor did the Northern elections of last October and November signify a resuscitation of the old Democratic party, or any such contemptible reaction of public opinion.—They had a much deeper and broader signification. Under the arguments of the Independent conservative public press, these elections were so many warnings from the people to the administration against the continuation of those follies, blunders, imbecilities, corruptions and disasters which, down to last autumn had marked the conduct of the war. Seizing upon these general movements of public opinion, the spoilsmen, ragmen, bagmen and sordid hucksters of the defunct Democratic party rushed in, and, making their paltry bargains here and there for offices and plunder, assumed to speak the verdict of the people. Thus these miserable Democratic imposters, inflated with the delusive idea that the day had come to play a bolder game, proceeded in the Indiana and Illinois Legislatures, and to some extent in New Jersey and elsewhere, to their movements for peace with Jeff. Davis and his rebellious confederates, even to the extent of bloody riots and civil war in the loyal States.

There was something of this violent revolutionary spirit betrayed by the strikers of Tammany and Mozart Hall in the late contest for the Speaker at Albany, and we know not what would have followed but for the restraining influence of wiser men in the legislative councils of the party. At all events, the foolish excesses of the noisy Democrats of the copperhead faction, East and West, during the last winter, resulted in another popular reaction in the late New Hampshire, Rhode Island, Connecticut and Western elections. In the single case of Seymour, of Connecticut, it is thus made manifest that his copperhead peace platform is as odious to the people as the stupid war programme of the abolition faction. And yet the foremost and grievous offence complained of in this Albany Democratic Legislative address is that "one of the members from Kings county, elected as a Democrat, was induced to abandon his party and accept the Speakership of the House at the hands of his opponents, under circumstances involving a gross betrayal of party faith. We may boldly say, however,

that if this Democratic address embodies the "party faith," Mr. Callicot did well to betray and abandon it, and ought to be honored for it by his constituents.

With a specification or two indicating the revolutionary spirit of this address we shall drop the disagreeable subject. These Democratic patriots declare that the "subordination of the rights and interests of the State to the schemes of the consolidationists at Washington was evinced (in the Legislature) not less painfully in the reluctance to provide for the military defence of the State, and the refusal to perfect the organization of the militia, while the Federal Government at the same time, proposes to substitute a forced conscription for the old reliance of the republic—a citizen militia and a volunteer army." And again: it is made a matter of protest that the Federal Government proposes to absorb the functions of the States, "and to organize an army by forced conscription, placing money above life, and allowing those owing allegiance to the government to escape sevice upon the payment of a pecuniary consideration." But have not our volunteer elements been so largely drawn upon that they can no longer supply the needed reinforcements to our army? How, then, are we to meet to the sweeping conscription of the rebellion without a conscription? And what are State rights worth if we permit the General Government to be destryod? The pleadings of this address, upon these points, are the identical arguments of Davis and his confederates against the "unconstitutional war measures of the Lincoln despotism."—We prefer to be guided by the popular voice of the loyal States, as indicated in their late elections, touching all these war measures of the last session of Congress.

But the patriotic signers of this address are afraid that the powers that be "will undertake the accomplishment of a peace upon the basis of a permanent separation of the States." We know that Greely has recommended something of the sort should we meet with no great military successes by the 1st of May but nobody supposes that these Union peace democrats whose first object is to overthrow the existing administration, would accomplish anything better. Finally, however, the signers of this model address promise their support to the administration; but it is so carefully qualified that we can hardly rely upon it any more than upon the oath of allegiance by a democratic citizen of Mississippi with a Union gunboat at anchor near his pile of cotton bales. In a word, the insidious teachings of this democratic address are calculated to stir up discussions and divisions among the loyal States, acts of resistance to the conscription and to other measures of Congress intended to strengthen our army and navy, and to bring the war to a successful issue. It is an address which has so much to say against the administration, and so little, and in such low tone, against the rebellion, as to lead to the impression among weak minds that it would be better to make war against Lincoln and his retainers than to continue the war against Davis and his armed confederates.

The people of New York will reject with scorn and indignation all such revolutionary instructions. They know, as the people of all the States, North and South, know, that this question of peace can now only be settled in the tented field. They know that there can now be only two parties in the loyal States—the party supporting the government and the war and the party opposing them; that all other parties amount to nothing. They know that there is no intermediate half way house of rest for scheming politicians, but that the issue, in the strong and expressive language of the eloquent Miss Dickinson is "harmony and Heaven or insurrection and Hell." Let our democratic pipelayers shape their course accordingly, and beware of the first easy lesson to treason of this aforesaid democratic legislative address.

Extract of Speech of Hon. D. S. Dickinson, delivered at the great Union Mass Meeting, in Albany, Wednesday evening, May 20, 1863.

I hold to the Democracy of Gen. Jackson that the "Union must and shall be preserved," [applause,] and not to the copperhead Democracy, that we must stop the war and allow rebellion to dictate terms of peace. I would even go with copperheads if they would go to put down the rebellion instead of apologizing for it. This is the ground I took in the beginning, and is the ground I shall maintain to the end. I have made many speeches enforcing these ideas, which have been extensively published, and made the subject of comment, some in rebeldom and some in Europe, but I am happy to say that none of them have been approved by copperheads or rebel journals here, [renewed applause,] or pirate fitting, rebel sympathizing journals in Europe. I repeat, names are not things, nor things names. A rebel against the Government, whether in Charleston or Albany,—whether he makes war openly or secretly—whether with arms in his hands or secret whispers on his tongue, is equally a traitor to his Government. [Cheers.] Convicts in our prisons are clad in a peculiar costume, and trained and dieted in a peculiar manner; but it is not the sentence of the court, the walls of the prison, the striped jacket, the mush and molasses, nor the lock-step that makes the villain. It is the *heart*, whether in broadcloth or beaver—whether inside or outside of prison walls. Those who sympathize with rebellion in the loyal States seem not to have been flattered with much recent success. Toombs boasted some years since that he would call the roll of his slaves in Massachusetts. That being inconvenient, Jeff. Davis called his, a few days since, in Connecticut [laughter] but the number was insufficient to satisfy the demand, and the number is daily growing less.

But the copperhead politicians, like their confederate military friends, are about to make a change of base. [Renewed laughter.] Liberal propositions of peace are to be suspended for a season to make way for free speech! They tell us they are Union men and are for free speech. They have been for peace and for settling this terrible war, while they know the rebel leaders will not lay down their arms until their independence, as they term it, is acknowledged and the Union dissolved! They declare they are for the reconstruction of the Union by peaceful means; yet they know that if we lay down our arms and close this war and patch up a peace, we are at the mercy of the most hellish depotism on earth. But finding that this old idea is pretty much played out, and that they must have a new one, they want something that will draw. [Applause.] You will not hear any more about "liberal propositions of peace" in a long while. Now, it is all "free speech!" A noisy, blarting braggart and gassy traitor named Vallandam [roars of laughter and applause] or Vallandigham, late a member of Congress from Ohio, who has offensively opposed the war and justified the rebellion from the beginning—who has been openly claimed by the rebels as their friend—who strenuously opposed supplies for the war—who was drumed out of a camp of volunteers in his own state [applause—"Good for him—he ought to be hung"]—who, in his last race for Congressional honors, was allowed to remain at home by the loyal people of his district—who resides near the borders of Kentucky—has been arrested by Gen. Burnside, in whose military department he is; ["good"] and the moment he is arrested for some alleged offence in that Military Department—we don't know for what, and his admirers here don't know for what—but by consent, they set up a howl from Richmond to Canada in behalf of "free speech!" Poor Vallandigham! arrested in the night time, and at his own house! as though he ought to have been arrested in somebody's else. [Laughter and applause.] He has been tried by court martial—he had the assistance of counsel and the attendance of witnesses in his behalf. The evidence has not been published, nor do we know what it was. It is said he was senteneed by the court to imprisonment in Fort Warren, but there is no authority for this declaration. No nation can exist in time of war without the war power. You can't make a woman's school of a great war. [Renewed laughter.] It does not proceed accordmg to statute or the code! There are great principles which civilization has established for their guidance between civilized nations and peoples, but martial law is bounded only by discretion of the Commander-in-Chief. It is from the nature of the case despotic, for war is little else.

Liberty of speech is one thiug. Liberty of treason is another. The liberty of speech is sacred; but this does not include the right to act as a spy and convey intelligence to the enemy, which may destroy thousands of the lives of our soldiers—endanger our army and jeopard the existence of Government. [Applause.] Swords and knives are free; but this gives no one the right to commit murder. Firearms are free, and exempt from seizure on execution, and yet no one has a right to discharge them at his neighbor. Fire is free; but the one who should employ it to destroy the dwelling of his neighbor, would be the subject of an "arbitrary arrest"—in his "own house," if he should be found there—"in the presence of his wife and children," if he had them. And these "arbitrary arrests" in criminal law are of daily occurrence, and in martial law of not unfrequent occurrence in all wars,—especially such a war of rebellion as this, with spies and traitors hatching treason and aiding rebellion all along the border. Any lawyer who cannot discriminate between civil law and martial law should be treated for simplicity on the brain. [Shouts of applause and laughter.] The functions of martial law and the authority upon which it rests, was freely stated by me last Fall in a speech made at the Cooper Institute. It is a dangerous power, but its absence would be more dangerous. It is liable to abuse, but no war can be conducted without it—especially such a war as this. Whether it was judiciously exercised in this case, and whether the paltry fellow was worth arresting, I do not know, and do not, for all present purposes, care. All we can inquire of is, does the power exist, and if it does, was it exercised in good faith? If it was, even though Gen. Burnside was mistaken, he is to be encouraged for his watchfulness and commended for his vigilance. [Applause.] Two great and hasty and noisy meetings have been held, one in New York, at which Captain Rynders and others spoke, and even the late Thomas H. Seymour, of Connecticut, preached, [laughter], and one at this Capitol, where his Excelleney Governor Seymour administered upon the wrongs of Vallandigham by letter. The Governor says this arrest is full of danger to our *homes*.—Who is in danger in his home, pray tell? No one, unless he has done something to put himself in danger. The pious thief and burglar, Gordon, of Brooklyn, who attended conferences and prayer meeting with the young ladies, discovered where they kept their jewelry, and then entered their houses and robbed them by night, was a long time in danger in his home [roars of laughter], and by and by the cruel police went in large numbers and with their murderous clubs, and in the night time, too, and "arbitrarily arrested" him and put him in prison, and the Court sent him to State prison for twenty years. All for stealing a few trinkets. Yet Gov. Seymour says nothing. Had he connived with rebellion for the overthrow of the only great free Government on earth, and he had been detected and arrested, it would have been "arbitrary." But it interfered with the "freedom of speech." How? Who has objected to the freest possible discussion. Freedom of speech does not confer the right to go before an enemy and stimulate mutiny and disobedience and recommend desertion. It does not justify anything which, in a time of war, is calculated and intended to weaken the military arm of the Government. The Governor complains that the Governors of some of the Western States have sunk into insignificance. It is certainly time to be on the lookout. I hope whatever may become of other States, New York may not find herself in the same pitiful category. [Laughter.] It is certainly a humiliating position for the first State of the Union, when the scales of our being as a nation are vibrating,—when our children are dying by thousands in defence of the Union,—to see the Chief Magistrate turn from contemplating the picture with anxious solicitude, to denounce the Government and encourage the rebellion, because a ranting, foaming, frothing, gasconading traitor [cries of "hang him, hang him"] has been charged with an offence cognizable by martial law, and has been arsested, and after a full and fair trial, convicted. This is the species of support which Gov. Seymour, and those who are with him from the beginning of the war, have given to the Administration, and this he calls a "generous" one! They now propose to "pause," as he tells us; and if they will but "pause" in their assaults upon the Administration—in their proclaimed sympathy with traitors, and in their encouragement to rebellion—they will confer a favor upon the present and coming generations.

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The people cry "pause," but it is to those engaged in assaults upon the Administration, not to those who are striking death blows at the rebellion. They cry "pause," but they cry to those who give aid, encouragement and comfort to the rebels. The soldiers are among us here, and they cry "pause," but it is that you "pause" in stimulating the rebellion. They have periled their lives in defence of the Government. With heads uncovered and with bosoms bared, they have met the enemies of free institutions upon the battle-field, and they cry "pause" to you who are encouraging this rebellion. The wife and the mother cry "pause," to you who by sympathizing with traitors, encourage resistance to the Government and its institutions; they conjure you to pause—pause in your mad career; the husband and son have been slain; your partizanship gives aid to the rebels. The father cries "pause" in your encouragement to rebels in arms. "Joseph is not, Simeon is not, and you would take away Benjamin also." There are others who cry "pause." I adopt the language of his Excellency, the Governor, and cry "pause." Our brothers and sons sleep in death. Tongues which are silent in death, could they speak, would cry "pause"—they would say you have marched us here—we come to defend our country's flag—we come to vindicate the honor of our nation—we come to preserve the holy memories that cluster around the banner for which our fathers fought; you have lent hope and encouragement to the rebellion; "pause" in your course. Yes, I say "pause." When you sit down at your table "pause"—set a vacant chair there—a skeleton will be at your side. When you proceed to your chamber "pause;" death will be there. At the hour of midnight "pause;" the pale face and skeleton finger will point to the record of aid you have given the rebels in arms against the government. If these men are not punished at judgment, if not here, I shall be mistaken. For men who assist in this rebellion, if not executed and damned eternally hereafter, hemp will lose its value, and hell will forfeit its character for misuser. [Great cheering.]

Men are mistaken in supposing that they can form parties on the issues of our country's fate. The great popular mind sways to and fro; it may be diverted from the purpose, but it will be ever constant and true in upholding the Government. Who believes that this rebellion can be disposed of in any other way except by the power of the sword? I took the position in the beginning, and take it at the end. All rebeldom can have peace when they lay down their arms. But there are men here who continually prate of their Democracy—great Democrats—they know all about Democracy, and to judge by their actions, they care very little about anything else. You recollect the boy said to his father, suppose we call our old horse's tail a leg, how many legs would he have? Five said the father. Oh, no, said the boy, calling the tail a leg would not make it a leg. [Roars of laughter.] Men may call themselves Democrats, but it does not make them Democrats. The first great principle of Democracy is, according to Jackson, "the Union must and shall be preserved," [applause,] and there is where I stand to-night—it must be preserved, no matter from what quarter the assaults may come. It must be preserved against all its enemies. [Renewed applause.] Why, sir, pretended leaders of Democracy as we now have would have swamped Andrew Jackson in his first quarter. [Roars of laughter.] Now is the time for every Democrat, for every Jackson Democrat, for every Republican, for every man, who is an honest man, to assist in maintaining the Government and putting down the rebellion. [Voice: "How'r you going to put it down?" Put it down as Saul put down Agag, hugh it right down through. [Applause.]

But, fellow-citizens, the thing will all come right by and by. The returned soldiers,—and they are in all parts of this mass of people,—will bring home their stories, and will tell copperheadism how much advantage there is to be gained by shaping their course for political purposes, and giving the country the go-by. What we want is to concentrate public opinion—we want to bring the whole force and power of the Government where it can rest on this rebellion; and it must be done. The masks must be torn from the faces of all copperheads. One side or the other of this question must be taken. One is the side of truth, fair dealing, honesty in the support of the Government; the other is the side of falsehood and quibbling and denunciation of the Government. The path of falsehood leads to the rebel ranks, and in expressions of sympathy and condolence with and for traitors. Let each man take his position. I have taken mine on the side of truth, justice and the Government. I know what this Government and these institutions have done for the great cause of Freedom, and knowledge of science. I intend to maintain my position. Let them attempt to drive me from it. Let them come with all the party machinery and party whips. "Lay on Macduff, and d—d be he who first cries hold! enough." [Renewed applause.] The Abolitionists have been forty years endeavoring to destroy Slavery, but Jeff. Davis, by making and waging war upon the Government, has destroyed it in two years. ["Bully for you."] He has buried it past resurrection, and all the people cry Amen! I never agreed with the Abolitionists. They abused me and I abused them. [Laughter.] I settle my accounts as I go along; and I don't know that our disagreement is any reason why they should stand back and see the Government destroyed, and I know it is no reason why I should. [Applause.]

What I wish is no party advantage in this matter: what I wish is to see my fellow-citizens, of all parties and all creeds, rise up to the importance of this question; what I wish is to throttle every miserable politician who flies his party banner above that of his country, until he shall cry "pause." [Cries of "good" and applause.] What I wish is to see our brave soldiers sustained in the field. [Renewed applause and three cheers.] What I wish is to see the loyal masses in the rebel states strengthened and sustained; what I wish is that disloyal and bad men may be brought to condign punishment.

I thank you, fellow-citizens, for this opportunity to address you. I came not prepared; but this is a subject on which I can talk, and will talk, whenever I get an opportunity. [Applause.] I hope to live to see this country vindicated. I believe I shall live to see the clouds driven from the sky, and all the stars in our bright escutcheon left, and the blessings of free government perpetuated.

"Lo! a cloud's about to vanish
From the day;
And a brazen wrong to crumble
Into clay.
Lo! the right's about to conquer.
CLEAR THE WAY!
"Men of thought and men of action,
CLEAR THE WAY!"

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